

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MURIEL FIEDLER,	§	
Plaintiff,	§	
	§	
V.	§	
	§	CASE NO. 4:17CV75
MACE BRINDLEY, M.D., and THE	§	Judge Mazzant/Judge Johnson
EAR NOSE & THROAT CENTERS	§	
OF TEXAS, PLLC,	§	
Defendants.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On February 22, 2017, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations (*see* Dkt. 13) that the case should be **REMANDED** pursuant to 28 U.S.C. § 1447(c), to the 366th Judicial District, Collin County, Texas, where it was originally filed and assigned Case Number 366-02430-2014.

Pro se Plaintiff Muriel Fiedler (“Plaintiff”) filed objections to the report on March 3, 2017 (*see* Dkt. 14). The Court has made a *de novo* review of the objections raised by Plaintiff and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

Plaintiff’s objections are baseless and without statutory or other legal support. The Magistrate Judge correctly found that there is no subject matter jurisdiction here. Plaintiff submitted herself to the jurisdiction of the state court when she filed Plaintiff’s Original Petition (and amendments thereto). *See* Dkt. #6. Simply put, Plaintiff is not entitled to the federal removal

statute under 28 U.S.C. §1441 because she is not a “defendant” as set forth in the statute. 28 U.S.C. §1441(a).

Accordingly, the Court finds that removal of this case by Plaintiff was improper, and this case is **REMANDED** to the 366th Judicial District, Collin County, Texas, for further proceedings.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 23rd day of March, 2017.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE